

REPORT ON INFORMATION COLLECTED CONCERNING APPLICANT

Under section 60835 of title 2 of the California Code of Regulations, the Bureau of State Audits is responsible for collecting information concerning applicants for the Citizens Redistricting Commission that is needed by the Applicant Review Panel to perform its responsibilities. This is a report by Bureau staff in compliance with that responsibility.

Name of Applicant: Maria M. Stewart.

Information: Bureau staff contacted Richard Bloom, the author of one of Applicant's letters of recommendation, to confirm the information provided in the letter and receive any additional information that may be relevant. Mr. Bloom is a member of the Santa Monica City Council. He confirmed the information in the letter and in the course of a discussion advised staff that Applicant has been the Clerk of the City of Santa Monica, an "at will" position, for over 15 years. The City Clerk is one of three positions selected and appointed by the City Council via a competitive process; the other two are City Attorney and City Manager. He stated that Applicant's tenure as City Clerk indicates the City Council's satisfaction with her work. He added that Applicant is highly organized and is always prepared. He noted that candidates running for local offices have given Applicant consistent praise, as she is always timely responsive; and works very hard to keep the playing field level for all candidates for office.

Based on Mr. Bloom's statement that Applicant is an "at will" employee of the City Council, staff contacted Applicant about the nature of her employment with the City. Applicant stated that while she was originally appointed by the City Council, after she completed a one-year probationary period she no longer served as an "at will" employee because her position is a "classified position" under the City Charter unlike the City Attorney and the City Manager. Staff therefore examined the Santa Monica City Charter and found that under Article XI, section 1102, subdivisions (a) and (b), the City Clerk is a classified employee of the City. As a classified employee, under Article XI, Section 1110 of the City Charter, Applicant can only be demoted or removed from office "for cause" and therefore does not serve in her position at the pleasure of the City Council.

Recommendation: None.

Additional Note: The Voters FIRST Act provides, at Article XXI, section 2, subdivision (c)(6) of the California Constitution, that a member of the Citizens Redistricting Commission “shall be ineligible for a period of five years beginning from the date of appointment to hold appointive federal, state, or local public office.” California Code of Regulations, title 2, section 60804.1, interpreting this provision of the Act, defines “appointive local public office” in subdivision (b) as a public office at the county or city level in California, that:

- is filled by appointment by a person or persons holding elective public office at the
county or city level in California;
- is an office in which the officeholder serves either for a fixed term or at the pleasure
of the appointing authority; and
- entitles the officeholder to (a) make governmental decisions affecting persons
throughout the jurisdiction of the county, city, special district, school district, joint
powers authority, or other political subdivision of the state to which the office
belongs and not just affecting persons in a particular geographic area or a particular
industry, trade, or profession located within the jurisdiction. or (b) receive
compensation in an amount greater than \$5,000 per year, or receive per diem
payments at a rate greater than \$100 per day.

As Applicant neither serves as the Santa Monica City Clerk for a fixed term nor at the pleasure of the City Council that appointed her, if she is selected to serve as a member of the Citizens Redistricting Commission, Applicant would not be required to step down from her position as City Clerk.

Name and title of person submitting response: Steven Benito Russo, Chief of Investigations

Report Date: September 13, 2010